

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Barbara Winslow and Mark Cochran

Serial No.: 09/303,040

Art Unit: 1648

Filed: April 30, 1999

Examiner: H.T. PARK

Title: RECOMBINANT VIRUS EXPRESSING FOREIGN DNA ENCODING
FELINE CD80, FELINE CD86, FELINE CD28, FELINE CTLA-4 OR FELINE
INTERFERON- γ AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO CORRECT
INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Sir:

Pursuant to 37 CFR §1.48(a)(1), applicants hereby request to amend the above-referenced application to correct the inventorship by adding as inventors, Ellen Collisson, of 11385 Gold Mist, College Station, Texas 77845, United States of America, Stephen Hash, of 5943 Lomita Verde Circle, Austin, Texas 78749, United States of America, and Insoo Choi, of Sangbong-dong 497 Taeyoung APT 1408-302, Jungang-gu, Seoul 131-220, Korea, who were omitted through error and without any deceptive intention.

As filed herewith:

1. A statement as required in 37 C.F.R. § 1.48(a)(2) by Ellen Collisson, Stephen Hash, and Insoo Choi that the omission of their being named as inventors of the invention of the above-identified patent application occurred without deceptive intention on their part;
2. A declaration by all the inventors as required by 37 C.F.R. § 1.63 pursuant to 37 C.F.R. §1.48(a)(3);
3. Written consent of the assignee Schering-Plough Corporation, to the addition of inventors Ellen Collisson, Stephen Hash, and Insoo Choi as co-inventors as required by 37 CFR §1.48(a)(5) of the invention of the above-identified patent application; and
4. A processing fee set forth in 37 C.F.R. §1.17(i).

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Serial No. 09/303,040

Docket No. 2976-4055US2

Applicants respectfully submit that the requirements of 37 C.F.R. § 1.48 for correcting the inventorship of the present application have been satisfied, and request favorable consideration of this Petition.


AUTHORIZATION

Please charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2976-4055US2. A DUPLICATE COPY OF THIS PETITION IS ENCLOSED.

Respectfully submitted,

Date: July 23, 2004

By:


Evelyn M. Kwon
Registration No. 54,246

Mailing Address:
MORGAN & FINNEGAN L.L.P.
345 Park Avenue
New York, New York 10154
(212) 758-4800
(212) 751-6849 Telecopier

Express Mail No. EV 511403137 US

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U.S. Serial No. 09/303,040

DOCKET NO. 2976-4055US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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INTERFERON- γ AND USES THEREOFCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450DECLARATION OF INVENTOR PURSUANT TO
PETITION TO CORRECT INVENTORSHIP UNDER RULE 1.48(a)

I, Stephen Hash, of 5943 Lomita Verde Circle, Austin, Texas 78749, United States of America, declare that it was an error not to name me as an inventor of one or more inventions claimed in the above-referenced application, and that the error in failing to name me as an inventor arose without any deceptive intention on my part.

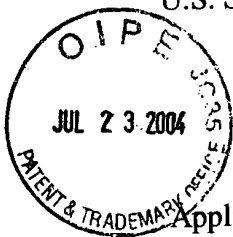
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 5/24/2004By: 

Stephen Hash

U.S. Serial No. 09/303,040

DOCKET NO. 2976-4055US2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Barbara Winslow and Mark Cochran

Serial No.: 09/303,040

Art Unit: 1648

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF INVENTOR PURSUANT TO
PETITION TO CORRECT INVENTORSHIP UNDER RULE 1.48(a)

I, Insoo Choi of, ~~Kurwoon-dong 893 Sungwon APT 102-602, Kongsun-gu, Suwon 441-340, Korea~~ ^{Sangbong-dong 497 Taeyoung APT 1408-302, Jungnang-gu, Seoul 131-220, Korea} ISC.

~~Korea~~, declare that it was an error not to name me as an inventor of one or more inventions claimed in the above-referenced application, and that the error in failing to name me as an inventor arose without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 3/22/2004

By: Insoo Choi
Insoo Choi



U.S. Serial No. 09/303,040

DOCKET NO. 2976-4055US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Barbara Winslow and Mark Cochran

Serial No.: 09/303,040

Art Unit: 1648

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Examiner: H.T. Park

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF INVENTOR PURSUANT TO
PETITION TO CORRECT INVENTORSHIP UNDER RULE 1.48(a)**

I, Ellen Collisson, of 11385 Gold Mist, College Station, Texas 77845, United States of America, declare that it was an error not to name me as an inventor of one or more inventions claimed in the above-referenced application, and that the error in failing to name me as an inventor arose without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 3/5/04

By: Ellen W. Collisson
Ellen Collisson



Docket No. 2976-4055US2

**DECLARATION FOR ORIGINAL, DESIGN
NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR CONTINUATION-IN-PART APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

RECOMBINANT VIRUS EXPRESSING FOREIGN DNA ENCODING FELINE CD80, FELINE
CD86, FELINE CD28, FELINE CTLA-4 OR FELINE INTERFERON- γ AND USES THEREOF

the specification of which

- a. ☐ is attached hereto
- b. ☒ was filed on April 30, 1999 as application Serial No. 09/303,040 and was amended on August 18, 2000, December 14, 2001, November 19, 2002 and December 17, 2003. (if applicable).

PCT FILED APPLICATION ENTERING NATIONAL STAGE

- c. ☐ was described and claimed in International Application No. _____ filed on _____ and as amended on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby specify the following as the correspondence address to which all communications about this application are to be directed:

SEND CORRESPONDENCE TO:

- ☐ Bar Code label attached (see right)
- ☒ Address Shown (see below)

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, N.Y. 10154

DIRECT TELEPHONE CALLS TO:
212-758-4800

27123

↑CUSTOMER NUMBER↑

☐ I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or under § 365(b) of any foreign application(s) for patent or inventor's certificate or under § 365(a) of any PCT international application(s) designating at least one country other than the U.S. listed below and also have identified below such foreign application(s) for patent or inventor's certificate or such PCT international application(s) filed by me on the same subject matter having a filing date within twelve (12) months before that of the application on which priority is claimed:

☐ The attached 35 U.S.C. § 119 claim for priority for the application(s) listed below forms a part of this declaration.

Country/PCT	Application Number	Date of filing (day, month, yr)	Date of issue (day, month, yr)	Priority Claimed
				<input type="checkbox"/> Y <input type="checkbox"/> N
				<input type="checkbox"/> Y <input type="checkbox"/> N
				<input type="checkbox"/> Y <input type="checkbox"/> N

☒ I hereby claim the benefit under 35 U.S.C. § 119(e) of any U.S. provisional application(s) listed below.

Provisional Application No.	Date of filing (day, month, yr)
60/083,870	May, 1, 1998

**ADDITIONAL STATEMENTS FOR DIVISIONAL,
CONTINUATION OR CONTINUATION-IN-PART
OR PCT APPLICATION(S) DESIGNATING THE U.S.**

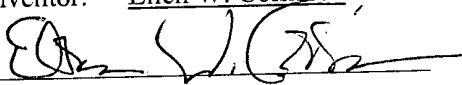
I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or under § 365(c) of any PCT international application(s) designating the U.S. listed below.

US/PCT Application Serial No.	Filing Date	Status (patented, pending, abandoned)/ U.S. application no. assigned (For PCT)
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US/PCT Application Serial No.	Filing Date	Status (patented, pending, abandoned)/ U.S. application no. assigned (For PCT)
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- ☐ In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the above listed prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:	<u>Ellen W. Collisson</u>	
Inventor's signature*		<u>2/3/04</u> Date
Residence:	<u>11385 Gold Mist, College Station, Texas 77845 USA</u>	
Citizenship:	<u>USA</u>	
Post Office Address:		
Full name of second inventor:	<u>Stephen M. Hash</u>	
Inventor's signature*		
Residence:	<u>5943 Lomita Verde Circle, Austin, Texas 78749 USA</u>	
Citizenship:	<u>USA</u>	
Post Office Address:		

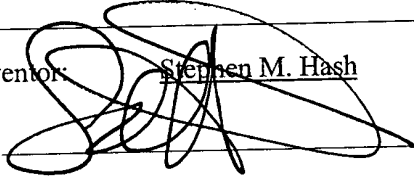
Serial No. 09/303,040



Docket No. 2976-4055US2

- ☐ In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the above listed prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: <u>Ellen W. Collisson</u>	
Inventor's signature* _____	_____ Date
Residence: <u>11385 Gold Mist, College Station, Texas 77845 USA</u>	
Citizenship: <u>USA</u>	
Post Office Address:	
Full name of second inventor: <u>Stephen M. Hash</u>	
Inventor's signature*  _____	<u>2/3/04</u> Date
Residence: <u>5943 Lomita Verde Circle, Austin, Texas 78749 USA</u>	
Citizenship: <u>USA</u>	
Post Office Address:	

Serial No. 09/303.040



Docket No. 2976-4055US2

☒ ATTACHED IS ADDED PAGE TO DECLARATION FOR SIGNATURE BY THIRD AND
SUBSEQUENT INVENTORS FORM

Full name of third inventor:

Inna Choi

Inventor's signature*

Inna Choi

6/19/04

Date

Residence:

Kimcheon-dong 893 Sungwon Apt 102-602, Kimsun-gu

Suwon 441-340, KOREA

Citizenship:

Korea

Sangbong-dong 497 Taeyoung Apt 1408-302
Jungnang-gu, Seoul 131-220, Korea.

IS.

Post Office Address:

Full name of fourth inventor:

Barbara J. Wiggles

Inventor's signature*

Barbara J. Wiggles

1-22-04

Date

Residence:

703 Stratford Court #7, Del Mar, CA 92011 USA

Citizenship:

USA

Post Office Address:

Full name of fifth inventor:

Mark D. Cochran

Inventor's signature*

Mark D. Cochran

1-22-04

Date

Residence:

4506 Horizon Drive, Carlsbad, CA 92008 USA

Citizenship:

USA

Post Office Address:

816344 v1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Barbara Winslow and Mark Cochran
Serial No. : 09/303,040 Group Art Unit : 1648
Filed : April 30, 1999 Examiner : H.T. PARK
For : Recombinant Virus Expressing Foreign DNA Encoding Feline CD80,
Feline CD86, Feline CD28, Feline CTLA-4 Or Feline Interferon- γ And
Uses Thereof

CONSENT OF ASSIGNEE

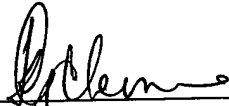
SCHERING-PLOUGH ANIMAL HEALTH CORPORATION
UNDER 37 CFR § 1.48(a) TO ADD ELLEN W. COLLISSON, STEPHEN M. HASH,
AND INSOO CHOI AS CO-INVENTORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Schering-Plough Animal Health Corporation, of 1095 Morris Avenue, Union, New Jersey 07083-7143, assignee of the entire interest in the subject matter of the above-identified invention by an assignment from Schering-Plough Veterinary Corporation, of 12125 Moya Blvd., Reno, Nevada, 89506-2600, which was the assignee of the entire interest in the subject matter of the above-identified invention through an assignment from Barbara J. Winslow and Mark D. Cochran, hereby consents to the change of inventorship in this application to add Ellen W. Collisson, Stephen M. Hash, and Insoo Choi as co-inventors.

By:


K.J. Varma, DVM, Ph.D.

Vice President, Research and Development

Date:

7/20/04.

ASSIGNMENT

WHEREAS, **SCHERING-PLOUGH VETERINARY CORPORATION**, a corporation organized and existing under the laws of the State of Nevada, United States of America, having its primary office at 12125 Moya Blvd., Reno, Nevada, 89506-2600, United States of America ("**ASSIGNOR**"), is the owner of record of the patent application entitled:

**RECOMBINANT VIRUS EXPRESSING FOREIGN DNA ENCODING
FELINE CD80, FELINE CD86, FELINE CD28, FELINE CTLA-4 AND
FELINE INTERFERON-GAMMA AND USES THEREOF**

and officially identified by the United States Patent and Trademark Office as Application Number 09/303,040, filed on April 30, 1999, claiming the benefit of priority of U.S. Provisional Application Number 60/083,870, filed on May 1, 1998, and/or by the World Intellectual Property Organization as International Patent Application Number PCT/US99/09504, filed on April 30, 1999, by virtue of an assignment recorded on Reel 010199, Frame 0938, in the United States Patent and Trademark Office, Washington, D.C., including all inventions described and/or claimed in said patent(s) and/or patent application(s); and

WHEREAS, **SCHERING-PLOUGH ANIMAL HEALTH CORPORATION**, a corporation organized and existing under the laws of the State of Delaware, United States of America, having its principal office at 1095 Morris Avenue, Union, New Jersey 07083-7143, United States of America, **SCHERING-PLOUGH LTD.**, a corporation organized and existing under the laws of Switzerland, having its principal office at Weyrstrasse 20, P.O. Box CH-6000, Lucerne 6, Switzerland, and **SCHERING-PLOUGH PTY. LIMITED**, a corporation organized and existing under the laws of Australia, having its principal office at 11 Gibbon Road, Baulkham Hills, New South Wales 2153, Australia (together the "**CO-ASSIGNEES**"), are desirous of acquiring **ASSIGNOR'S** interest in said inventions, patent(s) and/or patent application(s) in their respective territories defined below;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, **ASSIGNOR** hereby sells, assigns, and transfers to

SCHERING-PLOUGH ANIMAL HEALTH CORPORATION, with respect to the United States, to **SCHERING-PLOUGH PTY. LIMITED** with respect to Australia, and to **SCHERING-PLOUGH LTD.**, with respect to all of the remaining countries in the world (each, an "ASSIGNEE" with respect to the country(ies) identified with it), **ASSIGNOR's** entire rights, title and interest, in the respective country(ies) of the world:

in and to any and all of our invention(s) and/or discovery(ies) described in said patent application(s) and to the right to file patent applications in the name of the respective **ASSIGNEE**, its designee, or in any or all of their names, at such **ASSIGNEE's** election, on the aforesaid invention(s) and/or discovery(ies) in the country(ies) of the world it selects, together with any or all rights of priority in the aforesaid countries deriving from the above-identified patent application under the International Convention for the Protection of Industrial Property, under the Inter-American Convention relating to Inventions, Patents, Designs and Industrial Models, and/or under any other international arrangement to which the United States now is, or hereafter becomes, a signatory;

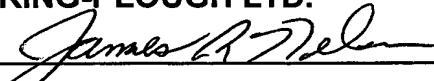
in and to any and all Letters Patent that issue on any of the aforesaid patent application(s);

in and to any and all applications claiming priority benefits from one or more provisional patent or other applications filed on said invention(s) and/or discovery(ies); and

in and to any and all continuations, continuations-in-part, divisions, reissues, re-examinations, confirmations, patents of addition, innovation patents, registrations, renewals, restorations and revivals of any of said Letters Patent, and any and all extensions and supplementary protection certificates based thereon, the same to be held and enjoyed by each respective **ASSIGNEE**, its successors, assigns and other legal representatives, to the full ends of the terms for which a Letters Patent therefor and any extensions and supplementary protection certificates based thereon may be granted, as fully and entirely as the same would have been held and enjoyed by us if this assignment, transfer, and sale had not been made.

Executed on this 22 day of July, 2004.

Co-Assignee: **SCHERING-PLOUGH LTD.**

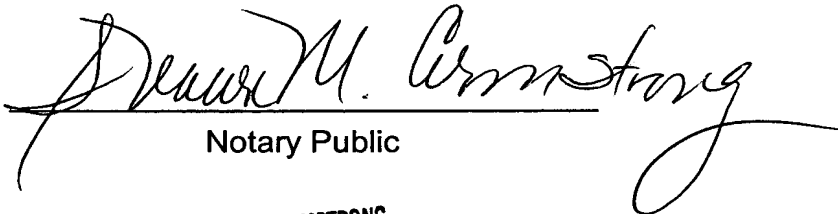
By: 
Name: James R. Nelson
Title: Prokurist

ACKNOWLEDGEMENT

State of NEW JERSEY)
) S.S.:
County of Union)

On this 22 day of July, 2004, personally appeared
before me JAMES R. NELSON to me known, and known by
me to be the same person described in and who executed the foregoing instrument,
and acknowledged that he (she) executed the same, of his (her) own free will for the
purpose set forth.

(Seal)


Notary Public

SHAWN M ARMSTRONG
A Notary Public of New Jersey
My Commission Expires May 15, 2005

Executed on this day of July 22, 2004.

Co-Assignee: **SCHERING-PLOUGH PTY. LIMITED**

By: 

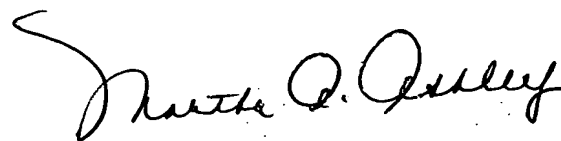
Name: Alfredo M. Blanco

Title: Director

ACKNOWLEDGEMENT

State of New Jersey)
) s.s.:
County of Union)

On this 22 day of July, 2004, personally appeared
before me Martha A. Ashley to me known, and known by
me to be the same person described in and who executed the foregoing instrument,
and acknowledged that he (she) executed the same, of his (her) own free will for the
purpose set forth.



Martha A. Ashley
Notary Public of New Jersey
My Commission Expires 10/02/2008